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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/267,506	03/12/1999	ANTHONY J.P. CAREW	062891.0258	7124

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EXAMINER

CHANG, JUNGWON

ART UNIT	PAPER NUMBER
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2154

DATE MAILED: 12/18/2002

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/267,506

Applicant(s)

CAREW ET AL.

Examiner

Jungwon Chang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 October 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-22 are presented for examination.
2. Acknowledgement is made of a copy of PTO-1449 form has been received on 3/12/99.
3. Claims 1-22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
 - a. The claim language in the following claims is not clearly understood:
 - i. as to claim 1, line 7, it is uncertain who performs "the triggering occurrence? (i.e. the first parent node?);
4. The text of those sections of Title 35, U.S.Code not included in this office action can be found in a prior office action.
5. Claims 1-3, 5-10, 12-17 and 19-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cooper et al. (US 5,948,063).
6. As to claims 1, 9 and 16, Cooper et al. disclose the invention substantially as claimed, including a method for modeling a behavior of elements in a telecommunications network (col. 1, lines 13-16), comprising:

providing a node representing a network element (col. 13, lines 47-59);
storing in the node a service state for the node (col. 13, lines 49-53; col. 15, lines 2-4);
storing in the node a service state for a first parent node upon which the node is operationally dependent (col. 13, lines 47-59; col. 14, lines 8-15);
storing in the node a service state for the second parent node (col. 13, lines 49-53); and
in response to receiving a new service state for one of the parent nodes, redetermining the service state for the node based on the service states for the parent nodes (col. 25, lines 29-37).

7. Cooper et al. do not specifically disclose that in response to a triggering occurrence, dynamically associating a second parent node with the node.

However, Cooper et al. disclose a second node is used if a failure of first node occurs (col. 8, lines 43-48; col. 22, lines 48-53). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include dynamically associating a second node with the node because doing this would improve the integrity of Cooper et al.'s system by allowing the node to continuously communicating with the second node even when the first node is crashed.

8. As to claim 2, Cooper et al. disclose generating the second parent node in response to a triggering occurrence (col. 8, lines 43-48; col. 22, lines 48-53).

9. As to claims 3, 10 and 17, Cooper et al. disclose the network element is a physical element in the telecommunication network and the parent objects represent physical elements in the telecommunication network (col. 1, lines 26-28).

10. As to claims 5, 6, 12, 13 and 19, Cooper et al. disclose the determining any child nodes for the node, the child nodes operationally dependent upon the node (col. 14, lines 1-7); and inserting the new service state for the node in each child node (col. 15, lines 5-15).

11. As to claims 7, 14 and 20, Cooper et al. disclose storing in the node an operation state for the node (col. 13, lines 47-59; col. 14, lines 8-15); and in response to receiving a new operation state, redetermining the service state for the node based on the operation state and the parent service state (col. 25, lines 29-37).

12. As to claims 8 and 15, Cooper et al. disclose the operation state is a composite state including at least one of a broken state, an in-service state, and a maintenance state for the node (col. 11, lines 61-64; col. 14, lines 34-37; col. 15, 5-15).

13. As to claims 21-22, Cooper et al. disclose an event list including a list of specified events (col. 18, lines 64-67; col. 19, lines 1-18).

14. Claims 4, 11 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cooper et al. (US 5,948,063), as applied to claims 1-3, 5-10, 12-17 and 19-22 above, further in view of Faupel et al. (US 6,349,334 B1).

15. As to claims 4, 11 and 18, Cooper et al. disclose the invention substantially as claimed in claims 1-3, 5-10, 12-17 and 19-22 above. However, Cooper et al. do not specifically disclose that the parent node represents a logical element. Faupel et al. disclose the parent node represents a logical element (col. 3, lines 47-62). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Cooper et al. and Faupel et al. because Faupel et al's logical element would improve the performance of Cooper et al's system by allowing each node within a peer group to exchange information with the other node of the peer group such that all nodes maintain an identical view of the group.

16. Applicant's arguments filed on 10/3/02 have been fully considered but they are Not persuasive.

17. In the remarks, applicant argued in substance that:

(1) Cooper does not include a "node" that stores the "service state of multiple "parent nodes".

(2) Cooper does not disclose using the base class to store the "service states" of multiple "parent nodes".

(3) Cooper does not disclose "dynamically associating a second parent node with the node" in response to a triggering event.

18. Examiner respectfully traverses applicant's remarks:

As to points (1) and (2), Cooper clearly disclose that the node (base class; CmodelObject, fig. 9C; col. 14, lines 8-9) includes a retrieve operation (col. 14, lines 18-20) to store the "service states" of multiple "parent nodes" (col. 14, lines 30-31).

As to point (3), Cooper clearly disclose when a fault parameter is set in one object, this fault status (i.e. in response to a triggering occurrence) is propagated up (i.e. dynamically associating) the tree using the pointers to successive parent objects (i.e. second parent node)(col. 15, lines 5-13). By definition of dynamic, it tends to mean that hardware and/or software can respond instantly to changes as they occur.

19. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

20. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jungwon Chang whose telephone number is (703)305-9669. The examiner can normally be reached on 8:00-4:30 (Monday-Friday).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on (703)308-9052. The fax phone numbers for the organization where this application or proceeding is assigned are (703)746-7239 for regular communications and (703)746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-3900.

Jungwon Chang
December 16, 2002



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